

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
ANTHONY GARCIA

Plaintiff,

-v.-

COMMISSIONER OF SOCIAL SECURITY

Defendant.  
-----X

:  
:  
**ORDER**

24 Civ. 3852 (JPO) (GWG)  
:  
:

GABRIEL W. GORENSTEIN, United States Magistrate Judge:

The Court has received in Chambers the attached documents from plaintiff's counsel, Max D. Leifer. The documents are reproduced in the order they were presented.

The Court issues this Order to inform Mr. Leifer that plaintiff is still required to comply with the Court's Opinion and Order of July 15, 2025, if plaintiff wishes to obtain a judgment of remand. That is, counsel must "file a letter to the Court on or before August 12, 2025, indicating that [the plaintiff] has submitted a waiver request" to the agency. (Docket # 33). While the attached documents suggest that a waiver has been submitted, the Court should not be put in the position of deciding whether to infer this fact from a jumble of documents. Instead, counsel must comply with the Court's order requiring that counsel file a letter on this topic. Additionally, counsel cannot file a letter by sending it to Chambers. Rather, any letter must be filed on the docket through the ECF system.

SO ORDERED

DATED: New York, New York  
July 25, 2025

  
\_\_\_\_\_  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

The following transaction was entered on 7/15/2025 at 5:30 PM EDT and filed on 7/15/2025

**Case Name:** Garcia v. Commissioner of Social Security

**Case Number:** 1:24-cv-03852-GWG

**Filer:**

**Document Number:** 33

**Docket Text:**

**OPINION AND ORDER:** For the foregoing reasons, Anthony's motion for judgment on the pleadings (Docket # 24) is denied.

Notwithstanding this fact, and at the suggestion of the Government, this case is hereby stayed to allow Anthony to promptly present a waiver request in conformance with Social Security Administration rules. If Anthony

**files a letter to the Court on or before August 12, 2025, indicating that he has submitted such a request, the Court will enter judgment remanding this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) to take action on that request. If no such letter is filed by August 12, 2025, the Court will enter judgment on the Court's denial of plaintiff's motion. (And as further set forth herein.) SO ORDERED. Case stayed. (Signed by Magistrate Judge Gabriel W. Gorenstein on 7/15/2025) (jca)**

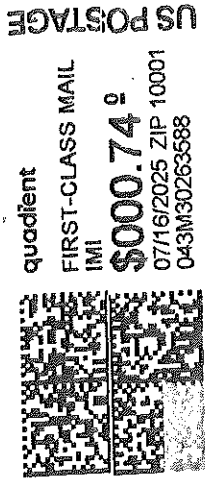
**1:24-cv-03852-GWG Notice has been electronically mailed to:**

Max D. Leifer     info@maxleifer.com

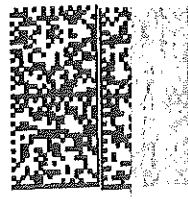
Fergus John Kaiser     fergus.kaiser@ssa.gov,

MAX D. LEIFER P.C.  
135 WEST 26TH STREET  
SUITE 11-D  
NEW YORK, NY 10001

CC: SOCIAL SECURITY ADMINISTRATION  
NORTHEASTERN PROGRAM CENTER  
1 JAMAICA CENTER PLAZA  
JAMAICA, NY 11432



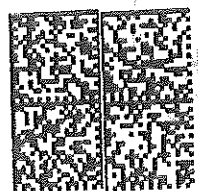
MAX D. LEIFER P.C.  
135 WEST 26TH STREET  
SUITE 11-D  
NEW YORK, NY 10001



SOCIAL SECURITY ADMINISTRATION  
OFFICE OF APPELLATE OPERATIONS  
6401 SECURITY BLVD.  
BALTIMORE, MD 21235

MAX U. LEIBEN  
135 WEST 26TH STREET  
SUITE 11-D  
NEW YORK, NY 10001

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF HEARINGS OPERATIONS  
26 FEDERAL PLAZA, ROOM #2909  
NEW YORK, NY 10278



quodient  
FIRST-CLASS MAIL  
IML  
**\$000.74**<sup>0</sup>  
07/16/2025 ZIP 10001  
043M30263588

US POSTAGE

*Law Offices of*  
**Max D. Leifer, P.C.**  
*135 West 26<sup>th</sup> Street, Ste 11-D, New York, NY 10001*

MAX D. LEIFER\*+

(917) 880-9318  
Fax (212) 966-9544

MEMBER OF N.Y. BAR\*  
MEMBER OF N.J. BAR+

info@maxleifer.com

July 16, 2025

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF APPELLATE OPERATIONS  
6401 SECURITY BLVD.  
BALTIMORE, MD 21235

**RE: ANTHONY GARCIA**

To whom it may concern,

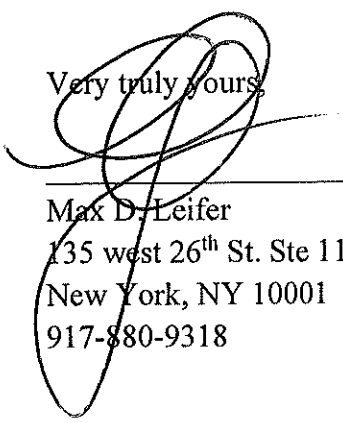
Enclosed is a copy of the order by the court indicating that upon a request for a waiver of the overpayment, the case would be remanded to the commissioner. We are hereby requesting a waiver of the overpayment because there was no fault, and it would be a hardship to force repayment. In addition, the overpayment is unfair.

We are hereby requesting that the matter be scheduled for a hearing on the issue of overpayment. I should also note that the prior attorney, STEVEN JACKLE, indicated in his memorandum to the administration that he was disputing the alleged overpayment.

CC: SOCIAL SECURITY ADMINISTRATION  
NORTHEASTERN PROGRAM CENTER  
1 JAMAICA CENTER PLAZA  
JAMAICA, NY 11432

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF HEARINGS OPERATIONS  
26 FEDERAL PLAZA, ROOM #2909  
NEW YORK, NY 10278

Very truly yours,

  
Max D. Leifer  
135 west 26<sup>th</sup> St. Ste 11D  
New York, NY 10001  
917-880-9318

OGC.SDNY@ssa.gov

Graham Morrison graham.morrison@ssa.gov,  
OGC.SDNY@ssa.gov

**1:24-cv-03852-GWG Notice has been delivered  
by other means to:**

The following document(s) are associated with this  
transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343

[Date=7/15/2025] [FileNumber=33314572-

0]

[4e74bf1db7ad4fc151aedeff5886a7f075ea02ff3aa  
e288efe15dc8fb6f870025a

Social Security Administration  
Office of Appellate Operations  
6401 Security Blvd.  
Baltimore, MD 21235  
Tel# 877-670-2722

Social Security Administration  
Northeastern Program Center  
1 Jamaica Center Plaza  
Jamaica, NY 11432

Social Security Administration  
Office of Hearings Operations  
26 Federal Plaza  
Room# 2909  
New York, NY 10278  
877-405-9535



MAX D. LEIFER P.C.  
135 WEST 26TH STREET  
SUITE 11-D  
NEW YORK, NY 10001

NEW YORK NY 100  
17 JUL 2025 PM 7 E

Judge Gabriel W. Gorenstein  
Southern District of New York  
500 Pearl Street, New York, NY 10007-1339

Room 6B

10007-1339

